

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JONATHAN BRUCE REED §
§
Petitioner §
VS. § CIVIL ACTION NO. C-12-286
§
UNITED STATES OF AMERICA §

**MEMORANDUM OPINION AND ORDER DENYING WITHOUT PREJUDICE
MOTION FOR APPOINTMENT OF COUNSEL**

Petitioner is a state prisoner currently incarcerated at TDCJ's McConnell Unit in Beeville, Texas. Proceeding *pro se*, petitioner filed a letter motion which has been construed as a petition pursuant to 28 U.S.C. § 2241, challenging a federal detainer currently lodged against him. He believes that, with credit for time served, he has served all of the sentence he owes on his unknown federal conviction (D.E. 1). Pending is petitioner's request for appointment of counsel (D.E. 2).

There is no constitutional right to counsel in federal habeas proceedings. *Johnson v. Hargett*, 978 F.2d 855 (5th Cir. 1992). *See also United States v. Riggs*, 314 F.3d 796, 799 (5th Cir. 2002) (right to appointed counsel does not extend to post-conviction proceedings). Counsel may be appointed in habeas cases when required in the interests of justice. 18 U.S.C. § 3006A(a)(2); *Santana v. Chandler*, 961 F2d 514, 516 (5th Cir. 1992). Petitioner's request is premature – he has not yet complied with the requirement that he pay the \$5 filing fee or submit a completed application for leave to proceed *in*

forma pauperis. Moreover, the issues he raises are not complex and he has not shown that the interests of justice require appointment of counsel.

If petitioner's case is scheduled for an evidentiary hearing or discovery becomes necessary, counsel will be appointed to represent him. If the interests of justice so require at any point in this litigation, counsel will be *sua sponte* assigned.

Accordingly, petitioner's motion for appointment of counsel (D.E. 2) is denied without prejudice.

ORDERED this 18th day of September, 2012.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE